

Beth Jacob High School
4421 15th Ave
Brooklyn, NY 11219
718-851-2319

DEC 24 2002

FCC - MAILROOM

Letter of Appeal

December 17, 2002

Federal Communications Commission
Office of the Secretary
445 12th Street, SW Room TW-A325
Washington, DC 20554

RE: CC Docket Nos. 96-45 and 97-21

Entity# 11882

471 Application #: 222224

FRN Numbers: 560740, 561087, 561109, 561167, 561176,
561190, 561438, 561456, 561487, 561502,
561511, 561689, 561843, 561863, 564664,
584741, and 584882

Funding Year: 7/1/2001-6/30/2002

We are appealing the denial of an appeal that our school submitted to the Schools and Libraries Division of USAC. The appeal was in regard to a change in the discount level our school received for items and services applied for in our Funding Year 4, 7/1/2001-6/30/2002 E-Rate form 471 application number 222224.

On the form 471 we indicated that our school was eligible for a 90% discount based on greater than 75% of our students being eligible for the National School Lunch Program.

The impact of the change in discount was that we received a 60% discount instead of a 90% discount on telecommunication funding and we were totally denied all internal connection funding because, as indicated on the Funding Commitment Decision Letter, the funding cap did not provide for internal connections for schools with less than a 90% discount level.

When I first spoke to the reviewer I did not intend to imply that our determination of discount eligibility was based solely on a survey. The first time that there was a reference to a survey was in the PIA reviewer's fax to me asking for a copy of the survey that he understood I had told him we had done.

As indicated on our appeal our original determination was based on a combination of sources. Included among these sources was information annotated during tuition assistance interviews,

The PIA process was done at the time we were preparing to move to our new building and our records were in storage for the move. In order to provide the information PIA requested we would have had to take the records out of storage and review the scholarship information, This

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process would have taken more time than we understood PIA was willing to wait. We therefore decided to do a current survey.

Regardless of the PIA reviewer's understanding of our verbal communications, we responded to his request for information substantiating our request for a 90% discount with a survey that clearly showed our school was eligible for the 90% discount we requested.

In regard to the SLD's indication that the survey we used was insufficient to determine discounts per program rules, the survey used was provided by Agudath Israel of America as part of an E-Rate Material package which was given out at the E-Rate workshops, which they sponsored. SLD representatives gave these workshops.

The survey shows a chart of family size corresponding to family income and asked the respondents to indicate if their household income was equal to or less than the income indicated for their family size. Even if the respondent did not indicate the family size or income, answering the question determines if the family is above or below 185% of the federal poverty guideline.

In addition to the question of family size compared to income the survey included questions in regard to eligibility for:

- Food Stamps
- Medicaid
- Supplementary Income (SSI)
- Section 8
- Home Energy Assistance (LIHEAP)

We feel the SLD denial of our appeal should be overturned for the following reasons:


1- We provided an email correspondence from the coordinator of the New York State Department of Child Nutrition Management System indicating that the database, which the SLD used in determining our discount level, was not necessarily accurate for our school.

2- We responded to PIA's request for information substantiating our request for a 90% discount by providing the information from the survey performed. The survey information we provided was in a format that met program rules for determining discounts and demonstrated that our school qualifies for the 90% discount requested.

We therefore request that Funding Decision Commitment Letters be issued providing us with a 90% discount and approval of our internal connections FRN(s).

Based on the information presented herein we request that our appeal be granted and our discount percentage be changed to 90% and the denied FRN(s) be approved for funding.

Sincerely,



Yitzchok Kaplan
Administrator

Confidential E-Rate Family Survey - 2001-2002

PLEASE PRINT

Family Name [REDACTED]
 Address [REDACTED]
 City, State, Zip N.Y. - BROOKLYN 11230
 Signature of Parent/Guardian [REDACTED]
 Date 1/28/02

The following table shows the income levels used by the E-Rate program to determine discounts on technology services for our school.

Household Size (Adults and Children)	Annual Income (As Reported to IRS)
1	\$ 15,892
2	\$ 21,458
3	
4	\$ 32,653
5	\$ 38,240
6	\$ 43,827
<u>7</u>	\$ 49,414
8	\$ 55,001
9	\$ 60,588
10	\$ 66,175
11	\$ 71,762
12	\$ 77,349

Each additional family member + \$5,587

Is your annual household income equal or less than the amount shown for your family size? Yes ✓ No

Is your family eligible for food stamps? Yes ✓ No

Does your family qualify for medical assistance under Medicaid? Yes ✓ No

Is your family receiving Supplementary Security Income (SSI)? Yes No ✓

Does your family receive housing assistance (Section 8)? Yes ✓ No

Does your family receive home energy assistance (LIHEAP)? Yes No ✓

Please list the students in your family attending our school:

Name <u>[REDACTED]</u>	Grade <u>10</u>
Name <u> </u>	Grade <u> </u>
Name <u> </u>	Grade <u> </u>
Name <u> </u>	Grade <u> </u>
Name <u> </u>	Grade <u> </u>
Name <u> </u>	Grade <u> </u>

THIS INFORMATION IS CONFIDENTIAL AND WILL BE KEPT IN OUR SCHOOL.
 THANK YOU FOR YOUR HELP.

Confidential E-Rate Family Survey - 2001-2002

PLEASE PRINT

Family Name _____

Address _____

City, State, Zip _____

Signature of Parent/Guardian _____

Date _____

The following table shows the income levels used by the E-Rate program to determine discounts on technology services for our school.

Household Size (Adults and Children)	Annual Income (As Reported to IRS)
1	\$ 15,892
2	\$21,479
3	\$27,066
4	\$ 32,653
5	\$ 38,240
6	\$43,827
7	\$49,414
8	\$ 55,001
	\$ 60,588
10	\$ 66,175
11	\$ 71,762
12	\$ 77,349

Each additional family member

+ \$ 5,587

Is your annual household income equal or less than the amount shown for your family size?

Yes ☒ No _____

Is your family eligible for food stamps?

Yes ☒ No _____

Does your family qualify for medical assistance under Medicaid?

Yes ☒ No _____

Is your family receiving Supplementary Security Income (SSI)?

Yes _____ No ☒

Does your family receive housing assistance (Section 8)?

Yes ☒ No _____

Does your family receive home energy assistance (LIHEAP)?

Yes _____ No ☒

Please list the students in your family attending our school:

Name _____

Grade _____

Name _____

Grade _____

Name _____

Grade _____

Name _____

Grade _____

Name _____

Grade _____

Name _____

Grade _____

THIS INFORMATION IS CONFIDENTIAL AND WILL BE KEPT IN OUR SCHOOL.
THANK YOU FOR YOUR HELP.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision **on Appeal** - Funding Year **2001-2002**

October 21, 2002

Yitzchok Kaplan
Beth Jacob HS
4421 15th Ave.
Brooklyn, NY 11219

Re: Billed Entity Number 11882
471 Application Number. 222224
Funding Request Number(s): 560740,561087,561109,561167,561176,
561190,561438,561456,561487,561502,
561511,561689,561843,561863,564664,
584741,584882

Your Correspondence Dated: March 20,2002

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 560740, 561087, 561109, 561167, 561176, 561190,
561438, 561456, 561487, 561502, 561511, 561689,
561843, 561863, 564664, 584741, 584882

Decision on Appeal: Denied **in full**
Explanation,

- In your letter of appeal you state that you are appealing the SLD's decision to lower your discount from 90% to 60% based on the fact that greater **than** 75% of your student body come from families whose income is at or below 185% of the federal poverty guideline. The determination that your school is eligible for 90% discount was based on the information from NSLP applications and information gathered from tuition assistance applications. You have Included **an** e-mail from Rich Connell of the NY State DOE which notes that while free and reduced eligibility data is often used as a measure of poverty, there are many cases in

- You indicated on your Form 471 that your discount eligibility is 90 % based upon student surveys. FCC rules provide that the discount available to an applicant is determined by indicators of poverty and high cost. *See* 47 C.F.R. § 54.505(b). The level of poverty is measured by the percentage of students enrolled in a school or school district that are eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism contained in Title I of the Improving America's Schools Act, codified at 34 C.F.R. § 200.28(a)(2)(I)(B). *See* 47 C.F.R. § 54.505(b)(1). Alternatively, the level of poverty is measured according to participation in Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP). *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, FCC 97-157 n.1334 ¶ 374 (rel May 8, 1997). The high cost determination is made pursuant to rules according to which a school or library is classified as rural or urban. *See* 47 C.F.R. § 54.505(b)(3). An applicant's discount rate is determined by reference to a matrix based upon the level of poverty and whether a school is classified as rural or urban. *See* 47 C.F.R. § 54.505(c)
- SLD's review of your application determined that your discount eligibility percentage was not supported by appropriate documentation. SLD modified your discount eligibility percentage using the following documentation: NY State DOE website. You did not demonstrate in your appeal that the adjustment SLD made to your discount eligibility percentage was incorrect. Consequently, SLD denies your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

BETH JACOB HIGH SCHOOL
4421 15th Ave
Brooklyn NY 11219

March 20, 2002

Contents of Appeal Package:

- 1- Letter of Appeal
- 2- Copy of Survey Information
- 3- Copy of E-mail from Rich Connell

Beth Jacob High School

4421 15th avenue
Brooklyn NY 11219
718-851-2319

March 20, 2002

Letter of Appeal
Schools and Libraries Division
Box 125-Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Letter of Appeal

Entity# 11882
Application# 222224
Funding Year 07/01/2001 - 06/30/2002

The following is *an* appeal of the funding commitment for Application # 222224 and all the FRN's contained within. The telecommunications portion of the application's funding was modified with the explanation that "The site-specific discount was corrected." The Internal Connections portion of the application's funding was denied with the explanation that "Funding cap will not provide for Internal Connections < 85% discount to be funded."

We are appealing the decision to lower our discount to 60% based on the fact that greater than seventy-five percent of our student body come from family units whose income is at or below 185% of the federal poverty guideline and are therefore eligible for the National School Lunch Program and our school therefore qualifies for a 90% discount.

The determination that our school qualified for a ninety percent discount was based on information from the NSLP application process and from information gathered during the tuition assistance application process.

As per the attached email from Mr. Rich Connell the coordinator for the New York State Department of Education Child Nutrition Management System, due to cultural and social reasons and using Mr. Connell's example of "fear of being stigmatized" it is not uncommon for high school students *to* decline participation in the NSLP. Our school, a Jewish Parochial Girls' High School, has *all* of these dynamics in affect *simultaneously*. We therefore have a very low participation level of potentially qualifying students in the NSLP.

Due to this fact, the percentage of eligible students shown for our school on the New York State Department of Education Child Nutrition Management System's web site, "Comparison of Free/Reduced Lunch Eligibles to Enrollment" is incorrectly low.

Also due to this fact we had to use both NSLP enrollment and other alternate measures of poverty such as food stamps and section eight to determine the over all percentages for our school.

During the time our application was being reviewed I received a telephone call from a reviewer Mr. Frank Jones. After our conversation I received a fax from Mr. Jones asking me to provide information about the "surveys" I had done to determine our discount level.

Due to the fact that the information we used to determine our discount level was based on a combination of sources, the information was not in a concise format and we would not have been able to respond to Mr. Jones within the time frame he was requesting. In order to comply with Mr. Jones's request as expeditiously as possible we performed a current survey and faxed the results to Mr. Jones.

The format for the survey was taken from an E-Rate handbook distributed by Agudath Israel of America. We received the handbook at a workshop run by Win Himsworth the E-Rate coordinator for the New York State Department of Education. We subsequently faxed a copy of the survey to Mr. Himsworth for his review and he indicated the survey seemed to provide all the information needed.

Attached is a copy of the survey information that was faxed to the Mr. Frank Jones.


When we spoke with the Mr. Jones after he received the survey he indicated that everything seemed in order. We then received a call from another reviewer inquiring as to the date of the survey. After providing the second reviewer with the information requested she also indicated everything was in order.

There was no indication that anything was wrong with the survey or that additional or different information was needed.

The funding commitment decision letter did not specifically indicate what the decision to lower our discount was based on. If the information presented in this appeal has addressed the issue at hand please issue new funding commitment letters with the correct discount and funding for Internal Connections.

If this appeal has not addressed the issue at hand please provide us with the information on how the decision was reached so that we will be able to respond in an appropriate fashion.

Respectfully submitted by,


Yitzchok Kaplan
Administrator

Beth Jacob High School

4421 15th avenue
Brooklyn NY 11219
718-851-2319

January 30, 2002

Attn: Mr. Frank Jones
Schools and Libraries Division

Re: E-Rate application number 222224

Dear Mr. Jones,

With regard to your request for documentation that our school **is** entitled to receive the 90% discount rate.

Our enrollment **is** seven hundred and ninety one students. **We** conducted **a** survey **and** sent out **forms** to the entire student body. Four hundred forty one **forms** were returned of **which** Three hundred thirty nine are from **low** income **families** that are eligible for free or reduced lunch.

All the returned forms are on file and all the numbers stated are actual **and** not a projection.

Sincerely,


Yitzchok Kaplan

Beth Jacob High School

4421 15th avenue
Brooklyn NY 11219
718-851-2319

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Dear **Parents:**

We are **applying** for federal financial assistance to help obtain **various** technology services under a federally funded **program** known as E-Rare (for "Educational-Rate"). **We** need your help to **maximize** the aid **we will** receive.

The size of the federal E-Rate grant depends, in **part**, on the number of students attending our schools who come from families with income below certain **levels**. **Our** ability to identify **all such** students- whether or not they participate on our free and reduced priced **milk** or lunch programs- **will thus** make a **significant** difference in the federal **funding** we **receive**.

Please take a minute, therefore, to fill out and return **the** attached **form as soon as** possible. This information will remain confidential. The data will **be** reported **as** a group total, **not by** individual **families**.

Thank you for helping our yeshiva stretch its technology resources. If you have **my** **questions**, please call our office.

Please complete and return to:

Beth Jacob High School
4421 15th Ave.
Brooklyn, New York 11219

Fax: (718) 435-3736

Arthur Jacknis

From: Rich Connell [rconnell@MAIL.NYSED.GOV]
Sent: Wednesday, March 20, 2002 3:32 PM
To: ajacknis@gocomdata.com
Subject: Re: Questions

Mr Jacknis,

While CN free and reduced eligible data are often used as a poverty measure, there are certainly many cases in which the data are not reflective of the overall school population. For example, because of perceived stigma associated with receiving free lunches, it is not uncommon for many high school students to decline participation in the CN program. And certainly, there may be cultural or social reasons why parents decline to release income information. I am not familiar with the school you referenced, however, if CN program participation is influenced by the above factors, it is quite conceivable that the student population is more economically disadvantaged than CN data would indicate.

Richard Connell

supervisor
Child Nutrition Reimbursement Unit

>>> "Arthur Jacknis" <ajacknis@gocomdata.com> 03/19/02 07:37PM >>>
Dear Mr. Cannell,

As per our telephone conversation I have several questions in regard to the NSLP and the "Comparison of Free/Reduced Lunch Eligibles to Enrollment" figures listed on your website.

1- I understood from our conversation that due to sociological factors, a Jewish Parochial Girls' High School has one of the highest percentages of non-participating potentially qualifying students in the NSLP of all school types. Is this correct?

2- Due to the fact that many potentially qualifying students in this type of school do not apply for the NSLP the figures shown on the "Comparison of Free/Reduced Lunch Eligibles to Enrollment" listed on your website may be lower than actual percentage. Is this correct?

Thank you very much for taking the time to respond to these questions.

Arthur Jacknis